

not take effect if within the 30 day notice period either (1) the violation is corrected or (2) the licensee has commenced in good faith to correct the violation and shall thereafter proceed diligently to correct the violation where the violation is such that it cannot be corrected within the notice period. If a request for appeal is filed within the 30 day notice period, then the licensee shall be entitled to a hearing on the claimed violation and the termination in accordance with part 4 of this title. In the event such appeal is timely filed, the period for commencement to correct such violation shall be extended to 30 days after a final decision is rendered if it is found that a violation exists.

(c) Upon the relinquishment, expiration, or termination of the license, the licensee shall, if directed by the authorized officer, remove all structures, machinery, and other equipment from the land covered by the license. Any structures, machinery, or equipment allowed to remain on the land shall become the property of the United States on the expiration of the period allowed for removal of same. Removal of such property shall be at the licensee's expense.

(d) The licensee shall, for a period of not more than six months, maintain any equipment and facilities needed, as determined by the authorized officer, for the protection of any wells from which production was being utilized by the licensee.

(e) Where land covered by a license has been disturbed, the licensee shall within one year following the relinquishment, expiration, or termination of a license issued under this part restore the land in accordance with the terms and conditions of the license. Additional time may be granted by the authorized officer upon a showing of good cause by the licensee. The bond required by §3250.7 of this title shall not be released until the reclamation has been completed to the satisfaction of the authorized officer.

[44 FR 20391, Apr. 4, 1979, as amended at 53 FR 17373, May 16, 1988]

## PART 3260—GEOTHERMAL RESOURCES OPERATIONS

NOTE 1: (a) The information collection requirement contained in §3262.4 is needed to document planned operations on geothermal leases. This information will be used to evaluate technical feasibility and environmental impacts of geothermal operations on Federal lands. The obligation to respond is mandatory. Clearance under 44 U.S.C. 3507 is not required by 44 U.S.C. 3506(c)(5).

(b) The information collection requirement contained in §3264.3 has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0132. The information is being collected to document exploration expenditures for which diligence credit is desired. This information will be used to determine if expenditures qualify as diligent exploration under 43 U.S.C. 3203.5. The obligation to respond is required to obtain a benefit.

[47 FR 24130, June 3, 1982. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17375, May 16, 1988]

NOTE 2: The information collection requirements contained in part 3260 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0132. The information is being collected to evaluate the technical feasibility and environmental impacts of geothermal operations on Federal lands. Clearance number 1004-0132 also covers information required by §3264.3 as is required to document exploration expenditures for which diligence credit is desired in accordance with §3203.5. A response is required to obtain a benefit.

[53 FR 17375, May 16, 1988]

NOTE 3: There are many leases and agreements currently in effect, and which will remain in effect, involving Federal geothermal resources leases which specifically refer to the United States Geological Survey, USGS, Minerals Management Service, MMS, or Conservation Division. These leases and agreements may also specifically refer to various officers such as Supervisor, Conservation Manager, Deputy Conservation Manager, Minerals Manager, and Deputy Minerals Manager. In addition, many leases and agreements specifically refer to title 30 CFR part 270 or specific sections thereof. Those references must now be read in the context of Secretarial Order 3087 and now mean either the Bureau of Land Management or the Minerals Management Service as appropriate.

(See 48 FR 44788, Sept. 30, 1983)

§ 3260.0-1

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- 3265.1 Noncompliance with regulations or lease terms.

**Subpart 3266—Appeals**

- 3266.1 Appeals.

AUTHORITY: 30 U.S.C. 1001-1025.

SOURCE: 38 FR 35068, Dec. 21, 1973, unless otherwise noted. Redesignated at 48 FR 44788, Sept. 30, 1983.

**Subpart 3260—Geothermal Resources Operations: General**

**§ 3260.0-1 Purpose.**

The Geothermal Steam Act (30 U.S.C. 1001-1025) authorizes the Secretary of the Interior to prescribe rules and regulations applicable to operations conducted under leases granted pursuant to that Act, and for the development, conservation and utilization of geothermal steam and associated geothermal resources, the prevention of waste, the protection of the public interest and the protection of water quality and other environmental qualities.

[48 FR 44788, Sept. 30, 1983]

**§ 3260.0-2 Policy.**

The regulations in this part shall be administered by the Director, Bureau of Land Management.

[48 FR 44788, Sept. 30, 1983]

**§ 3260.0-3 Authority.**

These regulations are issued under the authority of the Geothermal Steam Act, as amended (30 U.S.C. 1001-1025) and Order Number 3087, dated December 3, 1982, as amended on February 7, 1983 (48 FR 8983), under which the Secretary consolidated and transferred the onshore minerals management functions of the Department, except mineral revenue functions and the leasing

of restricted Indian lands, to the Bureau of Land Management.

[48 FR 44788, Sept. 30, 1983]

**§ 3260.0-5 Definitions.**

As used in the regulations in this part, the term:

(a) *Lessee* means a person or entity holding record title in a lease issued by the United States.

(b) *Operator* means any person or entity, including but not limited to the lessee, operating rights owner (sublessee), or facility operator, who has stated in writing to the authorized officer that it is responsible under the terms and conditions of the lease for the operations conducted on the leased lands or a portion thereof.

(c) *Operating rights owner* means a person or entity holding operating rights in a lease issued by the United States. A lessee also may be an operating rights owner if the operating rights in a lease or a portion thereof have not been severed from record title.

(d) *Waste* means (1) physical waste, as that term is generally understood; (2) waste of reservoir energy through inefficiency, improper use of or unnecessary dissipation of reservoir energy; (3) the location, spacing, drilling, equipping, operating, or producing of any geothermal well or wells in a manner which causes or tends to cause reduction in the quantity of geothermal energy ultimately recoverable from a reservoir under prudent and workmanlike operations or which tends to cause unnecessary or excessive surface or subsurface loss or destruction of geothermal energy; and (4) the inefficient transmission of geothermal energy from the source (wellhead) to point of utilization.

(e) *Directionally drilled well* means the deviation of a well bore from the vertical or from its normal course in an intended predetermined direction or course with respect to the points of the compass. Directionally drilled well shall not include a well deviated for the purpose of straightening a hole that has become crooked in the normal course of drilling or holes deviated at random without regard to compass direction in an attempt to sidetrack a portion of the hole on account of mechanical difficulty in drilling.

(f) *Geothermal resources operational order* or *GRO order* means a formal numbered order, issued by the authorized officer, with the prior approval of the Director, which implements the regulations in this part and applies to operations in an area, region, or any significant portion thereof.

(g) *Producible well* means a well which is capable of producing geothermal resources in commercial quantities.

(h) *Commercial quantities* means quantities sufficient to provide a return after all variable costs of production have been met.

(i) *Exploration operations* means any activities, relating to the search for evidence of geothermal resources, which require physical presence upon the leased lands and which may result in damage to the leased lands or the resources contained within. It includes, but is not limited to, geophysical operations, drilling and coring of shallow temperature gradient wells, construction of roads and trails, and cross-country transit by vehicle. It does not include casual use activities associated with geothermal resources exploration. In addition, it does not include core drilling to obtain subsurface geologic information, except in conjunction with the drilling of shallow temperature gradient wells, nor does it include the drilling for, the testing of, or the production of geothermal resources. However, these limitations do not preclude the drilling of holes necessary for the emplacement of explosive charges for certain geophysical operations nor do they affect the right to drill for, test, or produce the geothermal resources on lands subject to his lease.

(j) *Casual use* means activities that involve practices that do not ordinarily lead to any appreciable disturbance or damage to lands, resources, or improvements. For example, activities that do not involve use of heavy equipment or explosives and that do not involve vehicle movement except over established roads and trails are *casual use*.

(k) *Individual Production Well Facility* means a facility located on a Federal geothermal lease that utilizes geothermal resources from a single well for electrical power generation or for

nonelectrical purposes and which has an output of not more than 10-megawatt net capacity or heat energy equivalent.

(l) *Research and Demonstration Facility*, means a facility located on a Federal geothermal lease which: (1) Utilizes geothermal resources from one or more wells, (2) has an output of not more than 20-megawatt net capacity or heat energy equivalent, and (3) will be utilized exclusively for the research and demonstration of applications for the utilization of geothermal resources during an initial project life of not more than 5 years from the date the facility becomes operational.

(m) *Plant Facility* means a facility located on a Federal geothermal lease, other than an Individual Well Production Facility or a Research and Development Facility, that utilizes geothermal resources for electric power generation or nonelectric purposes.

(n) *Utilization Facility Site* means that portion of an area of operations for which a plan of utilization, filed pursuant to §270.34-1 of this part, has been approved for the siting of an Individual Production Well Facility, a Research and Demonstration Facility, or a Plant Facility, including appurtenant structures.

(o) *Facility operator* means the operator, licensee, or the individual, corporation, association, or municipality that operates any facility on a Federal geothermal lease for the beneficial utilization of geothermal resources.

(p) *Joint Facility Operating Agreement* means an agreement between an operating rights owner or licensee and another party for the siting, construction, and operation of facilities for the utilization of the geothermal resources produced from a Federal geothermal lease or leases.

[43 FR 13833, Mar. 31, 1978, as amended at 44 FR 37588, June 27, 1979; 47 FR 28370, June 30, 1982. Redesignated and amended at 48 FR 44788, 44789, Sept. 30, 1983, further amended at 53 FR 17373, May 16, 1988]

## Subpart 3261—Jurisdiction and Responsibility

### § 3261.1 Jurisdiction.

Drilling, production, construction, and operation of any facility for the

utilization of geothermal resources and handling and measurement of production, and, in general, all operations conducted on a geothermal lease are subject to the regulations in this group. These operations are subject to the jurisdiction of the authorized officer for the area in which the leased lands are situated.

[48 FR 44789, Sept. 30, 1983]

### § 3261.2 Responsibility of authorized officer.

The authorized officer is authorized and directed to carry out the provisions of this part. The authorized officer shall require compliance with the terms of geothermal leases, with the regulations in this group and with the applicable statutes. The authorized officer shall act on all applications, requests, and notices required in this part. In executing the functions under this part, the authorized officer shall ensure that all permitted operations conform to the best practice and are conducted in a manner that protects the deposits of the leased lands and results in the maximum ultimate recovery and the beneficial utilization of geothermal resources, with minimum waste. The authorized officer shall also ensure that all permitted operations are consistent with the principles of the use of the lands for other purposes and the protection of the environment. As conditions in one area may vary widely from conditions in another area, the regulations in this part are intended to be general in nature. Detailed procedures hereunder in any particular area will be covered by GRO Orders. The requirements to be set forth in GRO Orders relating to surface resources or uses will be coordinated with the appropriate land management agency if other than BLM. The authorized officer may issue oral orders to govern lease operations, but such orders shall be confirmed in writing by the authorized officer as promptly as possible. The authorized officer may issue other orders and instructions to govern the development, method for production and the utilization of a deposit, field or area. Prior to issuance of GRO Orders, other written orders and instructions, or the approval of any

plan of operation, the authorized officer shall consult with and receive comments from appropriate Federal and State agencies, operating rights owners, operators, and other interested parties. Before permitting operations to be commenced on the leased lands, the authorized officer shall determine if the lease is in good standing; whether the applicant has filed an acceptable bond, and has, when required by the regulations in this part, an approved plan of operations and/or plan of utilization, notice of intent, Sundry Notice or other appropriate permit. Approval of a plan of operations or other permit does not warrant or certify that the applicant holds legal or equitable title to the subject lease(s) which would entitle the applicant to conduct operations.

[48 FR 44789, Sept. 30, 1983, as amended at 53 FR 17373, May 16, 1988]

### § 3261.3 Regulation of operations.

(a)(1) All operations performed under this part shall be conducted so as to:

- (i) Prevent the unnecessary waste of or damage to geothermal or other resources;
- (ii) Protect the quality of surface and subsurface waters, air, and other natural resources, including wildlife, soil, vegetation, and natural history;
- (iii) Protect the quality of valuable cultural resources, including archeological, historical, scenic and recreational resources;
- (iv) Accommodate, as much as possible, other land uses;
- (v) Protect human and wildlife resources from harmful levels of noise;
- (vi) Prevent injury to life; and
- (vii) Prevent damage to property, particularly from subsidence.

(2) The authorized officer shall inspect and supervise all operations under this part to ensure that the requirements of paragraph (a)(1) of this section are fulfilled, and shall issue such GRO Orders as are necessary to discharge this responsibility.

(3) GRO Orders shall be enforceable under § 3265.1 of this title.

(b) The authorized officer, through coordination with appropriate Federal surface managing agencies and in cooperation with other concerned Federal, State, and local agencies, shall prepare an environmental assessment

in connection with any and all plans submitted to the authorized officer pursuant to § 3262.4-1 of this title.

(1) The environmental assessment shall include a description of the proposed action, an evaluation of the potential impact of the proposed action on the affected area, a discussion of alternatives to the proposed action, and a description of the mitigating measures that will be applied to eliminate or reduce adverse impacts. The environmental assessment shall also include a statement of reasons as to whether or not an environmental impact statement (EIS) is required.

(2) The authorized officer shall determine whether or not an environmental impact statement is required, based upon the findings and conclusions of the environmental assessment. If an environmental impact statement is required, it shall be prepared in accordance with the provisions of 40 CFR Group 1500.

(3) The environmental assessment shall be considered by the authorized officer in determining the appropriate terms and conditions for approval of the submitted plan.

(4) A copy of an environmental assessment completed under this section shall be submitted to the Geothermal Environmental Advisory Panel. All documents comprising such an assessment shall be made available for review to interested parties with the exception of those data which are subject to the provisions of § 3264.5 of this title. Upon completion of an environmental assessment, the authorized officer shall take such measures as are appropriate to notify appropriate Federal, State, and local agencies, and the public, of the availability of the assessment for review.

[44 FR 37589, June 27, 1979. Redesignated and amended at 48 FR 44788, 44789, Sept. 30, 1983]

### § 3261.4 Required samples, tests, and surveys.

When necessary or advisable, the authorized officer shall require that adequate samples be taken and tests or surveys be made using acceptable techniques, without cost to the lessor, to determine the identity and character of formations; the presence of geothermal resources, water, or reservoir

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energy; the quantity and quality of geothermal resources, water or reservoir energy; the amount and direction of deviation of any well from the vertical: formation, casing, and tubing pressures, temperatures, rate of heat and fluid flow, and whether operations are conducted in a manner looking to the protection of the interests of the lessor.

**§ 3261.5 Drilling and abandonment of wells.**

The authorized officer shall require that drilling be conducted in accordance with the terms of the lease, GRO orders, and the regulations in this group; and shall require plugging and abandonment of any well or wells no longer necessary for operations in accordance with plans approved or prescribed by him. Upon the failure of a lessee to comply with any requirement under this section, the authorized officer is authorized to perform the work at the expense of the lessee and the surety.

[38 FR 35068, Dec. 21, 1973. Redesignated and amended at 48 FR 44788, 44789, Sept. 30, 1983]

**§ 3261.6 Well spacing and well casing.**

The authorized officer shall approve proposed well-spacing and well-casing programs or prescribe such modifications to the programs as he determines necessary for proper development, giving consideration to such factors as:

- (a) Topographic characteristics of the area;
- (b) Hydrologic, geologic and reservoir characteristics of the field;
- (c) The number of wells that can be economically drilled to provide the necessary volume of geothermal resources for the intended use;
- (d) Protection of correlative rights;
- (e) Minimizing well interference;
- (f) Unreasonable interference with multiple use of lands; and
- (g) Protection of the environment, including ground water quality.

**§ 3261.7 Values and payment for losses.**

The authorized officer shall determine the value of production accruing to the lessor where there is loss through waste or failure to drill and produce protection wells on the lease, and the compensation due to the lessor

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as reimbursement for such loss. Payment for such losses will be paid when billed.

**Subpart 3262—Requirements for Operating Rights Owners and Operators**

**§ 3262.1 Lease terms, regulations, waste, damage, and safety.**

(a) The operating rights owner or operator, as appropriate, shall comply with the lease terms, lease stipulations, applicable laws and regulations and any amendments thereof, GRO orders, and other written or oral orders of the authorized officer. All oral orders (to be confirmed in writing as provided in § 3261.2 of this title are effective when issued unless otherwise specified.

(b) The operating rights owner or operator, as appropriate, shall take all reasonable precautions to prevent: (1) Waste; (2) damage to any natural resource including trees and other vegetation, fish and wildlife and their habitat; (3) injury or damage to persons, real or personal property; and (4) any environmental pollution or damage.

(c) Any significant effect on the environment created by the operations or failure to comply with environmental standards shall be reported to the authorized officer within 24 hours and confirmed in writing within 30 days.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17373, May 16, 1988]

**§ 3262.2 Conduct of operations.**

(a) Whenever a change in operator occurs, the authorized officer shall be notified promptly in writing, and the new operator shall furnish evidence of sufficient bond coverage in accordance with subpart 3206 of this title.

(b) In all cases where an individual production well facility, research and demonstration facility, or plant facility is to be operated by a party other than the operating rights owner or licensee, such other party shall submit to the authorized officer the joint facility operating agreement between the operating rights owner or licensee and

the facility operator. Such joint facility operating agreement shall authorize, upon acceptance by the authorized officer, the facility operator to enter upon the proposed facility site and related sites and to conduct thereon, in accordance with §3262.4-1 of this title, such preliminary geologic and soil studies as are appropriate for the planning and design of the facilities necessary for the utilization of geothermal resources in the manner proposed. An operating rights owner, operator, or licensee also may construct and operate such facilities as have been approved under a plan of operation or utilization and for which a permit has been issued pursuant to the regulations in this part and, if a plant facility, for which a license has been issued in accordance with the regulations in this group.

[53 FR 17373, May 16, 1988]

**§ 3262.2-1 Local representative.**

When required by the authorized officer, the operator shall designate a local representative empowered to receive notices and comply with orders of the authorized officer issued pursuant to the regulations in this part.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

**§ 3262.3 Drilling and producing obligations.**

(a) The operating rights owner shall diligently drill and produce such wells as are necessary to protect the lessor from loss by reason of production on other properties, or in lieu thereof, with the consent of the authorized officer, shall pay a sum determined by the authorized officer as adequate to compensate the lessor for failure to drill and produce any such well.

(b) The operating rights owner shall promptly drill and produce such other wells as the authorized officer may require in order that the lease be developed and produced in accordance with good operating practices. (See §3203.8 of this title.)

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

**§ 3262.4 Plan of operation.**

Except as otherwise provided in these regulations, a operator, prior to commencing operations on the leased lands or on lands subject to an approved unit or cooperative agreement, shall obtain the approval of a plan of operation by the authorized officer. A plan of operation is not required for: Subsequent well operations, the construction of new production facilities, or the alteration of existing production facilities, unless specifically required by the authorized officer, exploration operations or casual use activities. However, unless a previously approved plan included a specific authorization for subsequent well operations, construction of new production facilities, alteration of existing production facilities or exploration operations, the operator may not conduct such operations or activities without the authorized officer's prior approval. Before commencing a subsequent well operation, the construction of a new production facility or the alteration of an existing production facility, the operator shall, as a minimum, obtain the authorized officer's approval of a permit or of a sundry notice, whichever is appropriate. Before commencing exploration operations, the lessee shall obtain the authorized officer's approval of a notice of intent. When a plan of operation is required by the regulations in this part, it shall be filed in triplicate with the authorized officer and shall include:

(a) The proposed location of each well, including a layout showing the position of the mud tanks, reserve pits, cooling towers, pipe racks, and other surface facilities;

(b) Existing and planned access and lateral roads;

(c) Location and source of authorized water supply and road building material;

(d) Location of camp sites, airstrips, and other support facilities;

(e) Other areas of potential surface disturbance;

(f) The topographic features of the land and the drainage patterns;

(g) Methods for disposing of waste material;

(h) A narrative statement describing the proposed measures to be taken in

conducting the proposed operation for the protection of the environment, including, but not limited to, the prevention or control of (1) fires, (2) soil erosion, (3) pollution of the surface and ground water, (4) damage to fish and wildlife or other natural resources, (5) air and noise pollution, and (6) hazards to public health and safety;

(i) All pertinent information or data which the authorized officer may require for proper and timely consideration of the plan of operation for the exploration, development, or utilization of geothermal resources and the protection of the environment;

(j) Provisions for monitoring to ensure that operations under the plan are conducted in compliance with the applicable regulations and GRO orders; and

(k) Provisions for collecting data concerning the existing air and water quality, noise, seismic and subsidence activities, and ecological systems of the leased lands for a period of at least 1 year prior to production with some of the collection to be continued during production and abandonment.

The authorized officer may reduce the data collection requirements of paragraph (k) of this section, including the duration of data collection, commensurate with the level of potential environmental impacts from proposed projects. The information required for paragraphs (a) through (f) of this section may be shown on a map or maps available from State or Federal sources, provided that the scale of such map(s) is acceptable to the authorized officer. All documents submitted to the authorized officer as part of or in support of a plan of operation shall be made available to interested parties for review, with the exception of those data which are subject to the provisions of §3264.5 of this title. Upon receipt of any plan of operation, the authorized officer shall take such measures as are appropriate to notify the Geothermal Environmental Advisory Panel, appropriate Federal, State, and local agencies, and interested members

of the public, of the availability of the plan for review.

[43 FR 13833, Mar. 31, 1978, as amended at 44 FR 37590, June 27, 1979; 47 FR 24130, June 3, 1982. Redesignated and amended at 48 FR 44788, 44790, Sept. 30, 1983, further amended at 53 FR 17374, May 16, 1988]

#### § 3262.4-1 Plan of utilization.

At any time after the issuance of a Federal geothermal lease, the operating rights owner, operator, licensee, or facility operator may conduct preliminary soil tests or studies necessary for determining those site(s) on the lease which are most suitable for the construction of a proposed utilization facility. Those site investigations that involve trenching or the construction of additional roads will require the prior written approval of the authorized officer and the appropriate surface management agency. Unless already authorized under an approved plan of operation, the operating rights owner, licensee, or facility operator must submit in triplicate to the authorized officer a plan of utilization and obtain the approval of the authorized officer and the appropriate surface management agency prior to commencing any site preparation, road construction, or facility construction. A plan of utilization shall include, as appropriate:

(a) A description and/or plans for all proposed structures and facilities (other than proprietary data which may be submitted under §3264.2-1 of this title) to be constructed, erected, or located on the lease, including other support facilities or ancillary equipment. This portion of the plan should include:

(1) A contour map showing the facility location(s);

(2) A description of the purpose and operation of each facility;

(3) A schematic flow diagram;

(4) A plan for architectural landscaping;

(5) A startup date and a schedule for the construction activities;

(6) The planned safety provisions for emergency shutdown to protect public health and safety and for protection of the environment, including a schedule

for the testing and maintenance of safety devices; and

(7) The planned manpower coverage to be provided during the operation of the facility.

(b) A copy of all site evaluation studies, soil reports, core logs, or laboratory reports which have been prepared for the site(s).

(c) A description of any additional tests, studies, or surveys which are planned to assess the geologic suitability of the site(s). A separate approval of any such tests, studies, or surveys may be granted by the authorized officer prior to the approval of the overall plan of utilization.

(d) A map showing the existing and planned access and lateral roads and the source of any road building material to be utilized.

(e) The source, quality, and proposed consumption rate of the water supply to be utilized.

(f) The identification of all other areas of potential surface disturbance.

(g) The methods for disposing of waste water, solid wastes, and non-condensable gases.

(h) A narrative statement describing the proposed measures to be taken in protecting the environment including, but not limited to, the prevention or control of (1) fires, (2) soil erosion, (3) pollution of the surface or groundwater, (4) damage to fish and wildlife, cultural resources, or other natural resources, (5) air and noise pollution, and (6) hazards to public health and safety during normal operations. This portion of the plan should also detail the procedures to be followed in complying with all existing applicable Federal requirements and pertinent State and local standards.

(i) The provisions made for monitoring facility operations to assure continuing compliance with applicable noise, air, and water quality standards and regulations under this part, and for other potential environmental impacts identified by the authorized officer. The operating rights owner, licensee, or facility operator shall be responsible for the monitoring of readily identifiable localized environmental impacts associated with the specific activities that are under their respective control.

(j) Any additional information or data which the authorized officer may require in support of the plan of utilization.

(k) A narrative statement describing, as appropriate, the method for the timely abandonment of the utilization facilities when no longer needed and the site restoration procedures to be conducted pursuant to the applicable provisions of the lease, GRO Orders, the regulations in this part, and the regulations in this group.

All documents submitted to the authorized officer as part of or in support of a plan of utilization shall be made available to interested parties for review, with the exception of those data which are subject to the provisions of § 3264.5 of this title. Upon receipt of any plan of utilization, the authorized officer shall take such measures as are appropriate to notify the Geothermal Environmental Advisory Panel, appropriate Federal, State, and local agencies, and interested members of the public, of the availability of said plan for review.

[44 FR 37590, June 27, 1979. Redesignated and amended at 48 FR 44788, 44790, Sept. 30, 1983, further amended at 53 FR 17374, May 16, 1988]

**§ 3262.4-2 Subsequent well operations, construction of new production facilities, and alteration of existing production facilities.**

After completion of all operations authorized under any previously approved notice, permit, or plan, the operator shall not begin a subsequent well operation, the construction of a new production facility, or the alteration of an existing production facility until the authorized officer has, as a minimum, approved the proposed operation as described by the operator in a sundry notice or other appropriate permit application. Subsequent well operations that may be approved without a new or supplemental plan of operation include those operations to redrill, repair, deepen, plug back, shoot, or plug and abandon any well; make casing tests, alter the casing or liner, stimulate production, or change the method of recovering production; or convert any formation or well for brine or fluid injection and which can be conducted without additional surface disturbance.

The construction of a new production facility or the alteration of an existing production facility, which may be approved without a new or supplemental plan of operation, includes those where (a) the facility involved is related to the production of geothermal resources and not to the utilization thereof; (b) the site of the proposed construction or alteration activity is within a surface use area designated for that purpose in a plan of operation previously approved by the authorized officer and the appropriate land management agency; and (c) the construction or alteration can be performed without additional surface disturbance. When required by the authorized officer, pursuant to the regulations in this part, the operator shall obtain the joint approval of the authorized officer and the appropriate land management agency for a new or supplemental plan of operation before commencing subsequent well operations, the construction of a new production facility, or the alteration of an existing production facility. In an emergency, an operator may take action to prevent damage without receiving the prior approval of the authorized officer, but, in such cases, the operator shall promptly report to the authorized officer the corrective actions taken.

[43 FR 13834, Mar. 31, 1978. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

#### § 3262.5 Well designations.

The operator shall mark each derrick upon commencement of drilling operations and each producing or suspended well in a conspicuous place with his name or the name of the operator, the serial number of the lease, the number and location of the well. Whenever possible, the well location shall be described by section or tract, township, range, and by quarter-quarter section or lot. The operator shall take all necessary means and precautions to preserve these markings.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

#### § 3262.5-1 Well records.

(a) The operator shall keep for each well at his field headquarters or at other locations conveniently available

to the authorized officer, accurate and complete records of all well operations including production, drilling, logging, directional well surveys, casing, perforation, safety devices, redrilling, deepening, repairing, cementing, alterations to casing, plugging, and abandoning. The records shall contain a description of any unusual malfunction, condition or problem; all the formations penetrated; the content and character of mineral deposits and water in each formation; thermal gradients, temperatures, pressures, analyses of geothermal waters, the kind, weight, size, grade, and setting depth of casing; and any other pertinent information.

(b) The operator shall, within 30 days after completion of any well, transmit to the authorized officer copies of the records of all operations in a form prescribed by the authorized officer.

(c) Upon request of the authorized officer, the operator shall furnish (1) legible, exact copies of service company reports on cementing, perforating, acidizing, analyses of cores, electrical and temperature logs, chemical analyses of steam and waters, or other similar services; (2) other reports and records of operations in the manner and form prescribed by the authorized officer.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

#### § 3262.5-2 Samples, tests, and surveys.

(a) The operator, when required by the authorized officer, will make adequate sampling, tests and/or surveys using acceptable techniques, to determine the presence, quantity, quality, and potential of geothermal resources, mineral deposits, or water; the amount and direction of deviation of any well from the vertical; and/or formation temperatures and pressures, casing, tubing, or other pressures and such other facts as the authorized officer may require. Such tests or surveys shall be made without cost to the lessor.

(b) The operator shall, without cost to the lessor, take such formation samples or cores to determine the identity and character of any formation as are

required and prescribed by the authorized officer.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

**§ 3262.5-3 Directional survey.**

The authorized officer may require an angular deviation and directional survey to be made of the finished hole of each directionally drilled well. The survey shall be made at the risk and expense of the operator unless requested by an offset operating rights owner or operator, and then, at the risk and expense of the offset party. A copy of the survey shall be furnished the authorized officer.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

**§ 3262.5-4 Well control.**

The operator shall: (a) Take all necessary precautions to keep all wells under control at all times; (b) utilize trained and competent personnel; (c) utilize properly maintained equipment and materials; and (d) use operating practices which insure the safety of life and property. The selection of the types and weights of drilling fluids and provisions for controlling fluid temperatures, blowout preventers, and other surface control equipment and materials, casing and cementing programs, etc., to be used shall be based on sound engineering principles and shall take into account apparent geothermal gradients, depths and pressures of the various formations to be penetrated and other pertinent geologic and engineering data and information about the area.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

**§ 3262.5-5 Well abandonment.**

The operator shall promptly plug and abandon any well on the leased land that is not used or useful. No well shall be abandoned until its lack of capacity for further profitable production of geothermal resources has been demonstrated to the satisfaction of the authorized officer. Before abandoning a producible well, the operator shall sub-

mit to the authorized officer a statement of reasons for abandonment and his detailed plans for carrying on the necessary work. The detailed plans shall provide for the preservation of fresh water aquifers and for the prevention of intrusion into such aquifers of saline or polluted waters. A producible well may be abandoned only after receipt of written approval by the authorized officer. No well shall be plugged and abandoned until the manner and method of plugging have been approved or prescribed by the authorized officer. Equipment shall be removed, and premises at the well site shall be restored as near as reasonably possible to its original condition immediately after plugging operations are completed on any well except as otherwise authorized by the authorized officer. Drilling equipment shall not be removed from any suspended drilling well without taking adequate measures to close the well and protect the subsurface resources.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

**§ 3262.6 Pollution.**

The operator shall comply with all Federal and State standards with respect to the control of all forms of air, land, water, and noise pollution, including, but not limited to, the control of erosion and the disposal of liquid, solid, and gaseous wastes. The authorized officer may, in his discretion, establish additional and more stringent standards, and, if he does so, the operator shall comply with those standards. Plans for disposal of well effluents must take into account effects on surface and subsurface waters, plants, fish and wildlife and their habitats, atmosphere, or any other effects which may cause or contribute to pollution, and such plans must be approved by the authorized officer before action is taken under them.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

**§ 3262.6-1 Noise abatement.**

The operator, licensee, or facility operator, as appropriate, shall minimize noise during exploration, development,

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production, and utilization operations. The welfare of the operating personnel and the public must not be affected adversely as a consequence of the noise created by expanding gases. The method and degree of noise abatement shall be as prescribed or approved by the authorized officer.

[44 FR 37590, June 27, 1979. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

**§ 3262.6-2 Land subsidence and seismic activity.**

In the event subsidence or seismic activity results from the production of geothermal resources, as determined by monitoring activities by the operator or a government body, the operator shall take such action as required by the lease or by the authorized officer.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

**§ 3262.6-3 Pits and sumps.**

The operator shall provide and use pits and sumps of adequate capacity and design to retain all materials and fluids necessary to drilling, production, or other operations unless otherwise specified by the authorized officer. In no event shall the contents of a pit or sump be allowed to: (a) Contaminate streams, artificial canals or waterways, ground waters, lakes or rivers; (b) adversely affect environment, persons, plants, fish and wildlife and their habitats; or (c) damage the aesthetic values of the property or adjacent properties. When no longer needed, pits and sumps are to be filled and covered and the premises restored to a near natural state, as prescribed by the authorized officer.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

**§ 3262.7 Accidents.**

The operator shall take all reasonable precautions to prevent accidents and shall notify the authorized officer within 24 hours of all accidents on the

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leased land, and shall submit a full report thereon within 15 days.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

**§ 3262.7-1 Workmanlike operations.**

The operator shall carry on all operations and maintain the property at all times in a workmanlike manner, having due regard for the conservation of the property and the environment and for the health and safety of employees. The operator shall remove from the property or store, in an orderly manner, all scrap or other materials not in use.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

**§ 3262.8 Departure from orders.**

The authorized officer may prescribe or approve either in writing or orally, with prompt written confirmation, variances from the requirements of GRO orders and other orders issued pursuant to these regulations, when such variances are necessary for the proper control of a well, conservation of natural resources, protection of human health and safety, property, or the environment. The authorized officer shall inform appropriate Federal and State agencies, of any action taken under this section.

**§ 3262.9 Pilot operations or facility testing.**

With respect to the pilot operations or facility testing of those utilization facilities in accordance with the provisions of 30 U.S.C. 1012, the authorized officer may approve the suspension, waiver or reduction of the royalty obligation for a period not to exceed 120 days of net operation upon application therefor. No form of relief from the royalty requirements of a lease will be approved where the geothermal resources and/or the output of the facility would be used commercially or sold during said period. In addition, no application in this respect will be approved in the absence of a determination by the authorized officer that the payment of royalty during this period

would affect adversely the development and recovery of the resources and that the action would be in the interest of conservation, would encourage the greatest ultimate recovery of geothermal resources and is necessary in order to promote development or to ensure that the lease can be operated successfully under the lease terms. Each application for relief hereunder shall be filed in triplicate with the authorized officer and, as a minimum shall:

(a) Identify the facility, its location and the facility operator;

(b) Provide the serial number(s) of the lease(s) from which the geothermal resources are produced and the name(s) of the current lessee(s) and/or operator(s);

(c) Contain the number and location of each well which will be utilized during the pilot or testing operation of the facility and the estimated daily volumes of geothermal resources to be produced of each such well;

(d) Furnish a detailed statement of the estimated costs associated with the pilot or testing operations; and

(e) Supply other appropriate documentation to support the contention that relief from royalty requirements of the lease would be in accordance with the provisions of 30 U.S.C. 1012, as set forth in the preceding paragraph.

[48 FR 44790, Sept. 30, 1983]

### Subpart 3263—Measurement of Production

#### § 3263.1 Measurement of geothermal resources.

The operator shall measure or gauge all production in accordance with methods approved by the authorized officer. The quantity and quality of all production shall be determined in accordance with the standard practices, procedures, and specifications generally used in industry. All measuring equipment shall be tested periodically and if found defective, the authorized officer will determine the quantity and quality of production from the best evidence available.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

#### § 3263.2 Determination of content of byproducts.

The operator shall periodically furnish the authorized officer the results of periodic tests showing the content of byproducts in the produced geothermal fluid and gases. Such tests shall be taken as specified by the authorized officer and by the method of testing approved by him.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

#### § 3263.3 Commingling production.

The authorized officer may authorize an operator to commingle production from wells on a lease with production from other leases subject to such conditions as may be prescribed.

[53 FR 17374, May 16, 1988]

### Subpart 3264—Reports To Be Made by All Lessees

#### § 3264.1 General requirements.

(a) Information required to be submitted in accordance with the regulations in this part shall be furnished as directed by the authorized officer. Copies of forms can be obtained from the authorized officer and must be filed with that official within the time limit prescribed.

(b) When forms or reports other than those referred to in the regulations in this part may be necessary, instructions for the filing of such forms or reports will be given by the authorized officer.

#### § 3264.2 Application for permit to drill, redrill, deepen, or plug-back.

(a) A permit to drill, redrill, deepen, or plug-back a well on Federal lands must be obtained from the authorized officer before the work is begun. The application for the permit, which shall be filed in triplicate with the authorized officer, shall state the location of the well in feet, and direction from the nearest section or tract lines as shown on the official plat of survey or protracted surveys; the altitude of the ground and derrick floor above sea level and how it was determined, and should be accompanied by a proposed

plan of operations as required by these regulations.

(b) The proposed drilling and casing plan shall be outlined in detail under the heading "Details of Work" in the applications referred to herein, and shall describe the type of tools and equipment to be used, the proposed depth to which the well will be drilled, the estimated depths to the top of important markers, the estimated depths at which water, geothermal resources, or other mineral resources are expected, the proposed casing program (including the size and weight of casing), the depth at which each string is to be set, and the amount of cement and mud to be used, the drilling method and type of circulating media (water, mud, foam, air or combinations thereof), the type of blowout prevention equipment to be used, the proposed coring, logging, or other program (such as drilling time log and sample description) to be used to determine the formations penetrated and the proposed program for determining geothermal gradients and the sampling and analysis of geothermal resources.

(c) Each application shall be accompanied by a plat showing the surface and expected bottomhole locations and the distances from the nearest section or tract lines as shown on the official plat of survey or protracted surveys. The scale shall not be less than 2,000 feet to 1 inch.

(d) Each application should be accompanied by supporting structural and hydrologic information based on available geologic and geophysical data.

**§ 3264.2-1 Application for utilization permit.**

(a) A permit to construct and operate an individual production well facility of not more than 10-megawatt net capacity or heat energy equivalent, including all related on-lease facilities, must be obtained from the authorized officer prior to commencing surface disturbing activities related to the construction and operation of each such facility. The application for a permit in this respect shall be filed in triplicate with the authorized officer and must state the location of the principal facility and all related sites by dis-

tance in meters and direction from the nearest section or tract lines, as shown on the official plat of survey or protracted surveys, and the elevation of the ground level at these sites. The application must be accompanied by a proposed plan of utilization, as required by § 3262.4-1 of this title. All individual well production facilities must be constructed and operated in accordance with the requirements of the regulations in this group and any other applicable regulations.

(b) A permit to construct and operate a research and demonstration facility (involving one or more wells) of not more than 20-megawatt net capacity or heat energy equivalent, including all related on-lease facilities, must be obtained from the authorized officer prior to commencing any surface disturbing activities related to the construction or operations of each such facility. The application for a permit in this respect shall be filed in triplicate with the authorized officer and must state the location of the principal facility and all related sites by distance in meters and direction from the nearest section or tract lines, as shown on the official plat of survey or protracted surveys, and the elevation of the ground level at these sites. The application must be accompanied by a proposed plan of utilization, as required by § 3262.4-1 of this title. Any permit issued for a research and demonstration facility shall be for an initial term of not more than 5 years from the date that the facility becomes operational. All research and demonstration facilities must be constructed and operated in accordance with the requirements of the regulations in this part, 43 CFR Group 3200, and other applicable regulations. The continued beneficial use of a research and demonstration facility beyond the initial term provided by any such permit, or the conversion of the facility to a plant facility at that time or at any time during the initial permit period, will require that a license be obtained from the responsible officer of the surface managing agency pursuant to the regulations in this group.

(c) A permit to construct and operate any plant facility, other than as provided in paragraph (a) or (b) of this section, including all related on-lease facilities, must be obtained from the authorized officer prior to commencing any surface disturbing activities related to the construction or operation of each such facility. If the proposed plant facility is to have an output of greater than 20-megawatt net capacity, or heat energy equivalent, the facility operator must also obtain a license or such other permit as may be required pursuant to the regulations in this group. The application for a permit in this respect shall be filed in triplicate with the authorized officer and must state the location of the principal facility and all related sites by distance in meters and direction from the nearest section or tract lines, as shown on the official plat of survey or protracted surveys, and the elevation of the ground level at these sites. The application must be accompanied by a proposed plan of utilization, as required by § 3262.4-1 of this title. All plant facilities must be constructed and operated in accordance with the requirements of the regulations in this group and any other applicable regulations.

(d) Each application filed with the authorized officer for a permit to construct and operate a facility, as set forth in paragraph (a), (b), or (c) of this section, shall identify specifically the type of facility contemplated, the method of operation, and shall include:

(1) Designs, plans, and specifications for all improvements to be constructed or located at the principal facility site and at each related facility site in sufficient detail to permit a technical review for the purpose of determining that operational and design safety factors are adequate and that there will be compliance with all applicable regulatory and statutory requirements;

(2) An operating plan for the facility setting forth the procedures and standards pursuant to which the facility will be operated;

(3) The manner of metering facility input and output to determine plant performance and, when appropriate, to assure the proper calculation of the royalty value due;

(4) A schedule for the installation and pre-startup testing of all facility equipment and, if known, for the commencement of operations for the commercial utilization of geothermal resources; and

(5) Any additional pertinent information or data which the authorized officer may require for the proper consideration of the application.

(e) Except as permitted by the access provisions of the lease, transmission facilities (lines and substations) and roads or pipelines located on off-lease Federal surface will require that appropriate permits be obtained. In the event that a Federal agency, other than the Bureau of Land Management, has jurisdiction over all or a portion of the affected off-lease Federal surface, the necessary right-of-way permits must be obtained from that agency.

(f) When the construction and/or operation of a facility requires licensing or permitting by local, State, or Federal agencies (other than the Federal surface management agency), three copies of each such permit and/or license shall be submitted prior to the commencement of these activities.

(g) Where complete detailed engineering plans for all components or a utilization facility are not available at the time of the initial submission of an application for a utilization permit, the authorized officer may grant staged approval of separate components or phases of construction by means of a Sundry Notice or other appropriate permit.

(h) Prior to the actual operation of the facility, all equipment and pre-startup test results must be approved by the authorized officer. In addition, any utilization facility approved pursuant to this part may not be placed in operation, except for approved test periods, until an acceptable plan of production has been filed with and approved by the authorized officer.

[44 FR 37591, June 27, 1979. Redesignated and amended at 48 FR 44788, 44791, Sept. 30, 1983]

**§ 3264.2-2 Sundry notices and reports on wells.**

(a) Any written notice of intention to do work or to change plans previously approved must be filed with the authorized officer in triplicate, unless

otherwise directed, and must be approved by him before the work is begun. If, in case of emergency, any notice is given orally or by wire, and approval is obtained, the transaction shall be confirmed in writing. A subsequent report of the work performed must also be filed with the authorized officer.

(b) Casing test: Notice shall be given in advance to the authorized officer or his representative of the date and time when the operator expects to make a casing test. Later, by agreement, the exact time shall be fixed. In the event of casing failure during the test, the casing must be repaired or replaced or recemented as required by the authorized officer or his representative. The results of the test must be reported within 30 days after making a casing test. The report must describe the test completely and state the amount of mud and cement used, the lapse of time between running and cementing the casing and making the test, and the method of testing.

(c) Repairs or conditioning of well: Before the repairing or conditioning of a well, a notice setting forth in detail the plan of work must be filed with, and approved by, the authorized officer. A detailed report of the work accomplished and the methods employed, including all dates, and the results of such work must be filed within 30 days after completion of the repair work.

(d) Well stimulation: Before the operator commences stimulation of a well by any means, a notice, setting forth in detail the plan of work, must be filed with and approved by the authorized officer. The notice shall name the type of stimulant and the amount to be used. A report showing the amount of stimulant used and the production rate before and after stimulation must be filed within 30 days from completion of the work.

(e) Altering casing in a well: Notice of intention to run a liner or to alter the casing by pulling or perforating by any means must be filed with and approved by the authorized officer before the work is started. This notice shall set forth in detail the plan of work. A report must be filed within 30 days after completion of the work stating

exactly what was done and the results obtained.

(f) Notice of intention to abandon well: Before abandonment work is begun on any well, whether a drilling well, geothermal resources well, water well, or so-called dry hole, notice of intention to abandon shall be filed with, and approved by, the authorized officer. The notice must be accompanied by a complete log, in duplicate, of the well to date, provided the complete log has not been filed previously, and must give a detailed statement of the proposed work, including such information as kind, location, and length of plugs (by depths), plans for mudding, cementing, shooting, testing, and removing casing, and any other pertinent information.

(g) Subsequent report of abandonment: After a well is abandoned or plugged, a subsequent record of work done must be filed with the authorized officer. This report shall be filed separately within 30 days after the work is done. The report shall give a detailed account of the manner in which the abandonment or plugging work was carried out, including the nature and quantities of materials used in plugging and the location and extent (by depths) of the plugs of different materials; records of any tests or measurements made, and of the amount, size, and location (by depths) of casing left in the well; and a detailed statement of the volume of mud fluid used, and the pressure attained in mudding. If an attempt was made to part any casing, a complete report of the methods used and results obtained must be included.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

#### **§ 3264.2-3 Log and history of well.**

The operator shall furnish in duplicate to the authorized officer, not later than 30 days after the completion of each well, a complete and accurate log and history, in chronological order, of all operations conducted on the well. A log shall be compiled for geologic information from cores or formations samples and duplicate copies of such log shall be filed. Duplicate copies of all electric logs, temperature surveys, water and steam analyses, hydrologic

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or heat flow tests, or direction surveys, if run, shall be furnished.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17375, May 16, 1988]

**§3264.2-4 Monthly report of operations.**

A report of operations for each lease must be made for each calendar month, beginning with the month in which drilling operations are initiated. The report must be filed in duplicate with the authorized officer on or before the last day of the month following the month for which the report is filed unless an extension of time for the filing of the report is granted by the authorized officer. The report shall disclose accurately all operations conducted on each well during the month, the status of operations on the last day of the month, and a general summary of the status of operations on the leased lands. The report must be submitted each month until the lease is terminated or until omission of the report is authorized by the authorized officer. The report shall show for each calendar month:

(a) The lease serial number or the unit or communitization agreement number which shall be inserted in the upper right corner;

(b) Each well listed separately by number, and its location by 40-acre subdivision (quarter-quarter section or lot), section number, township, range, and meridian;

(c) The number of days each well was produced, whether steam or hot water or both were produced, and the number of days each input well was in operation, if any;

(d) The quantity of production and any byproducts obtained from each well, if any are recovered;

(e) The depth of each active or suspended well, and the name, character, and depth of each formation drilled during the month, the date and reason for every shutdown, the names and depths of important formation changes, the amount and size of any casing run since the last report, the dates and results of any tests or environmental monitoring conducted, and any other noteworthy information on

operations not specifically provided for in the form.

(f) The footnote must be completely filled out as required by the authorized officer. If no sales were made during the calendar month, the report must so state.

**§3264.2-5 Monthly report of facility operations.**

A report of operations for each individual production well facility, research and demonstration facility, or plant facility must be made by the facility operator for each calendar month beginning with the month in which operations are first commenced. The report must be filed in duplicate with the authorized officer on or before the last day of the month following the month for which the report is filed, unless an extension of time for filing is granted specifically in writing by the authorized officer.

(a) For each utilization facility, the report shall show, as applicable, for each calendar month:

(1) The lease serial number(s) or the unit or communitization agreement number covering the lands from which geothermal resources were produced and utilized at the facility;

(2) The output of the facility expressed as the number of kilowatt hours (gross and net output) of electricity generated or, when appropriate, as the heat energy equivalent thereof and the value of such output;

(3) The quantities (mass) of geothermal resources entering the plant and the average intake temperature and pressure;

(4) The quantity of water utilized from sources other than the produced geothermal resources;

(5) The total quantity (mass), temperature, and pressure of the plant effluent (waste water); and

(6) A detailed statement as to the reason or reasons for any suspension of facility operations during the month.

[44 FR 37592, June 27, 1979. Redesignated at 48 FR 44788, Sept. 30, 1983]

**§3264.3 Report of expenditures for diligent exploration operations.**

For exploration expenditures to be considered for qualification as diligent

exploration under 43 CFR 3203.5, the operator shall submit to the authorized officer a report of the expenditures no later than 60 days after the end of a lease year if the expenditures are to be credited for that lease year or future lease years.

[47 FR 24130, June 3, 1982. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17375, May 16, 1988]

**§ 3264.4 Public inspection of records.**

Geologic and geophysical interpretations, maps, and data required to be submitted under this part shall not be available for public inspection without the consent of the operating rights owner or operator, as appropriate, so long as the lease remains in effect.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, further redesignated and amended at 53 FR 17375, May 16, 1988]

**Subpart 3265—Procedure in Case of Violation of the Regulations or Lease Terms**

**§ 3265.1 Noncompliance with regulations or lease terms.**

(a) Whenever an operating rights owner, operator, or anyone acting under his/her authority fails to comply with the provisions of the regulations or lease terms, the authorized officer shall give notice to remedy any defaults or violations. Failure by the party to perform or commence the necessary remedial action pursuant to the notice may result in a shut down of operations and may also result in cancellation of the lease pursuant to § 3244.3 of this title.

(b) The authorized officer is authorized to shut down any operations which he determines are unsafe or are causing or can cause pollution.

[38 FR 35068, Dec. 21, 1973. Redesignated and amended at 48 FR 44788, 44792, Sept. 30, 1983, further amended at 53 FR 17375, May 16, 1988]

**Subpart 3266—Appeals**

**§ 3266.1 Appeals.**

(a) A party adversely affected by a decision of the authorized officer may appeal that decision to the Interior Board of Land Appeals as set forth in part 4 of this title.

(b) All decisions or approvals of the authorized officer under this part shall remain effective pending appeal unless the Interior Board of Land Appeals determines otherwise upon consideration of the standards stated in this paragraph. The provisions of 43 CFR 4.21(a) shall not apply to any decision or approval of the authorized officer under this subpart. A petition for a stay of a decision or approval of the authorized officer shall be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, Department of the Interior, and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

[57 FR 29651, July 6, 1992]

**PART 3280—GEOTHERMAL RESOURCES UNIT AGREEMENTS: UNPROVEN AREAS**

NOTE: Many existing unit agreements specifically refer to the United States Geological Survey, USGS, Minerals Management Service, MMS, Supervisor, Conservation Manager, Deputy Conservation Manager, Minerals Manager and Deputy Minerals Manager in the body of the agreements, as well as reference to title 30 CFR part 270 or specific sections thereof. Those references must now be read in the context of the provisions of Secretarial Order 3087 and now mean the Bureau of Land Management or the Minerals Management Service as appropriate.

**Subpart 3280—Geothermal Resources Unit Agreements: General**

- Sec.
- 3280.0-1 Purpose.
- 3280.0-2 Policy.
- 3280.0-3 Authority.
- 3280.0-5 Definitions.

**Subpart 3281—Application for Unit Agreement**

- 3281.1 Preliminary consideration of agreements.
- 3281.2 Designation of area.